

## SENATE BILL No. 270

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-12-5-5.5; IC 36-2-13-14.3;  
IC 36-2-13-14.7.

**Synopsis:** Jail inmate health care. Provides that a county shall reimburse a physician, hospital, or health care provider, at the reimbursement rate of the county's health plan, for health care expenses of a person subject to lawful detention by a sheriff. Provides that a sheriff may not release a person who is subject to lawful detention for the purpose of the county avoiding payment of the person's health care expenses. Requires a sheriff or deputy sheriff to remain at a hospital, in certain circumstances, while a person subject to lawful detention is receiving health care.

**Effective:** July 1, 2008.

**Wyss, Arnold**

January 10, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 270

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-12-5-5.5 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2008]: **Sec. 5.5. (a) As used in this section, "lawful detention" has**  
4       **the meaning set forth in IC 35-41-1-18.**

5       **(b) Except as provided in subsection (c), this section applies to**  
6       **each county responsible for health care services of a person**  
7       **confined to a county jail either:**

8               **(1) in that county; or**

9               **(2) in another county under section 6 of this chapter.**

10       **(c) This section:**

11               **(1) does not apply to a person who is subject to lawful**  
12               **detention by a county sheriff and who:**

13                       **(A) maintains health coverage through private health**  
14                       **insurance or a health maintenance organization that**  
15                       **covers:**

16                               **(i) medical care;**

17                               **(ii) dental care;**

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(iii) eye care; or

(iv) any other health care related service; or

(B) is willing to pay for the person's own medical care; and

(2) does not affect copayments required under section 5 of this chapter.

(3) applies to a county responsible for health care services of a person confined to a jail in another county under section 6 of this chapter.

(d) A county shall reimburse:

(1) a physician licensed under IC 25-22.5;

(2) a hospital licensed under IC 16-21-2; or

(3) a health care provider;

at the rate described in subsection (d) for the cost of health care services for a person subject to lawful detention by a county sheriff.

(e) The reimbursement rate under subsection (d):

(1) is equal to the reimbursement rate that the county health plan containing the largest number of county employees pays on behalf of a county employee after subtracting all copayment amounts that would normally apply under the plan; and

(2) may not be reduced due to any deductible amounts or similar obligations owed under the county health plan described in subdivision (1).

SECTION 2. IC 36-2-13-14.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14.3. (a) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(b) A sheriff may not release a person who is subject to lawful detention by the sheriff to avoid the duty to pay for the health care services of the person as required under IC 11-12-5-5.5.

(c) The county shall pay for the healthcare services of a person who is subject to lawful detention by the sheriff as required under 11-12-5-5.5:

(1) even if the person was released by the sheriff to avoid the duty to pay for the health care services of the person; and

(2) regardless of whether the person:

(A) was subject to lawful detention by the sheriff at the time the person entered the hospital's premises; or

(B) became subject to lawful detention by the sheriff after the person entered the hospital's premises.

(d) This section does not affect copayments required under

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1 **IC 11-12-5-5.**

2 SECTION 3. IC 36-2-13-14.7 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2008]: **Sec. 14.7. (a) As used in this section,**  
5 **"lawful detention" has the meaning set forth in IC 35-41-1-18.**

6 **(b) Except as provided in subsection (c), a sheriff or deputy**  
7 **sheriff shall remain on a hospital's premises and within a**  
8 **reasonable proximity of a person who is:**

9 **(1) subject to lawful detention by the sheriff; and**

10 **(2) brought to the hospital for any medical care.**

11 **(c) A sheriff or deputy sheriff is not required to remain at a**  
12 **hospital if a person who is subject to lawful detention by the sheriff**  
13 **is brought to the hospital for medical care and:**

14 **(1) the hospital determines that the person who is subject to**  
15 **lawful detention has a medical condition that renders the**  
16 **person incapable of leaving the hospital; or**

17 **(2) the sheriff determines that the person who is subject to**  
18 **lawful detention poses no threat to hospital personnel,**  
19 **property, or other individuals at the hospital.**

20 **SECTION 4. [EFFECTIVE JULY 1, 2008] IC 11-12-5-5.5 and**  
21 **IC 36-2-13-14.3, both as added by this act, do not limit, repeal, or**  
22 **supersede any contract executed before July 1, 2008, between a**  
23 **physician, hospital, or other provider and a county or sheriff**  
24 **concerning the reimbursement for health care for a person subject**  
25 **to lawful detention by a county sheriff.**

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